

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

<p>WELL-COM ASSOCIATES, L.P.,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>HONEYWELL INTERNATIONAL, INC.,</p> <p style="text-align: center;">Defendant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Docket Number 05-10056-JLT</p> <p>Hearing Requested</p>
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MOTION OF THE PLAINTIFF TO FILE BRIEF IN EXCESS OF TWENTY PAGES

The plaintiff, Well-Com Associates, L.P. (“Well-Com”), moves for leave to file a brief in excess of twenty pages in supports of its opposition to the defendant’s motion for summary judgment and in supports of Well-Com’s cross-motion for summary judgment. As grounds for this motion, Well-Com states that this case and the issues raised in the cross-motions for summary judgment involve complex issues of law concerning the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”). In particular, the issues raised in the cross-motions for summary judgment involve analysis of the Supreme Judicial Court’s recent decision in Cooper Indus., Inc. v. Aviall Serv., Inc., 543 U.S. 157 (2004). Cooper left open a number of issues that are implicated in the cross-motions for summary judgment. In order to fully brief those issues, Well-Com has prepared a brief of 43 pages.

In addition, Well-Com’s memorandum of law is filed both in opposition to the defendant’s motion for summary judgment and in support of its own motion for summary judgment. Rather than submit two briefs of 20 pages, Well-Com has submitted one brief addressing all of the issues.

WHEREFORE, Well-Com requests that this Court grant it leave to file a brief in excess of 20 pages.

REQUEST FOR HEARING

Well-Com hereby requests a hearing on its motion in the event it is deemed necessary by the Court.

RULE 7.1(A)(2) AND CERTIFICATION

Counsel for Well-Com hereby certifies that they have conferred with counsel for Honeywell and in good faith to resolve or narrow the issues of disagreement.

Well-Com Associates, L.P.

By its attorneys,

/s/ A. Neil Hartzell
A. Neil Hartzell (BBO #544752)
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Dated: February 13, 2006
00975744.DOC

CERTIFICATE OF SERVICE

I, Matthew M. O'Leary, hereby certify that on this 13th day of February, 2006, a copy of the foregoing was served on the attorney for the defendant by electronic means pursuant to Local Rule 5.2(b).

/s/ Matthew M. O'Leary
Matthew M. O'Leary